

MESSRS. T. SIDDALINGIAH (Dodballapur Municipality) and
BELUR SRINIVASA IYENGAR (Bangalore Taluk).—

Q.—7. Will the Government be pleased to state:—

(a) Whether they are aware of the flogging incidents in the Central Jail, Bangalore, that occurred on 7th and 19th February 1932?

(b) What are the names and ages of the convicts flogged on these two dates, the offences for which they were convicted and the sentences passed on them?

(c) What are the reasons or offences for which they were flogged?

(d) Did any of them suffer from ulcers after flogging and were they admitted as in-patients to the Jail Hospital?

(e) Are the incidents as published in newspapers and also in the form of leaflets distributed to the public, true?

CHIEF SECRETARY TO GOVERNMENT.—

A.—7. (a) Government are aware that some prisoners were whipped in the Central Jail on the 19th February 1932.

(b) A statement is placed on the table. (*Vide* Appendix C.)

(c) Combined defiance of authority in the maintenance of jail discipline.

(d) One prisoner had contusion which subsequently ulcerated. He was treated as an in-patient in the Jail Hospital.

(e) The facts are as follows:—

On 19th January 1932, three prisoners, *viz.*,—

N. S. Ramachandriah, age 29

Janakiram Naidu, age 20

Chelvaraj Mudaliar, age 24

were working in a room set apart for ragi-grinding. A ragi-grinding stone in the room was found broken. All the three prisoners when questioned denied any knowledge as to who broke the stone. The inquiry held by the Superintendent of the Jail showed that when the convict warder Guard left them in the room, the stone was intact. Soon after, prisoner Rāmiah heard the accused shouting and also the sound of ragi-grinding stone being dropped. As the accused would not state who actually broke the stone, all the three were sentenced to 30 stripes for the offence of causing wilful damage to jail property. As the punishment was being administered, Janakiram Naidu and Chelvaraj Mudaliar confessed after they had received 15 and 12 stripes, respectively,

that it was Ramachandria who broke the stone. They also expressed regret for what had happened. The punishment in respect of these two was stopped at that stage.

On 18th February 1932, two prisoners Rajagopal and Saguneswaran were found to have made a false report against the Head Warder and were punished by being given penal diet for one day. On 19th February 1932, sixteen other prisoners refused to work unless their friends who had been punished the previous day were excused. Prisoner Govindanandam was the leader of this group and behaved impertinently towards the Superintendent. The Superintendent tried his utmost to persuade them to go back to work, but with the exception of six, the prisoners were in a mutinous mood. The six who expressed regret and promised to work were excused. The remaining ten were ordered to be awarded 30 stripes each: five of them expressed regret after receiving a portion of the sentence, and three before their turn of punishment came. In all these cases, the unexecuted sentence was excused. Two prisoners underwent the full sentence.

On the same day, when the whipping was going on, five boys who were working in an adjacent room left their work and came out shouting. As both these acts were offences under the Prison Rules, each of them was given six stripes on the palms. The whipping on both days, viz., 19th January 1932 and 19th February 1932, was executed in the presence of the Medical Officer and in the manner prescribed by the Jail Manual.

Supplementary Questions and Answers.

Mr. Belur Srinivasa Iyengar.—

The answer to Question (c) shows that the prisoners were flogged for combined defiance of authority in the maintenance of jail discipline. Under Rule 287 of the Jail Manual, whipping should be the last resort even in such cases. Have the Government satisfied themselves that the jail authorities followed the procedure prescribed in the Jail Manual in this matter?

Chief Secretary to Government.—

Yes.

Mr. Belur Srinivasa Iyengar.—

Was any special report sent up to the Inspector-General of Prisons, under Rule 289, as soon as it was noticed that as

a result of the flogging one prisoner had contusion which subsequently ulcerated?

Chief Secretary to Government.—

I want notice.

Mr. Belur Srinivasa Iyengar.—

Was it not necessary for the jail authorities to have obtained orders from a magistrate before they resorted to flogging?

Chief Secretary to Government.—

It was not necessary in the case under reference.

Mr. Belur Srinivasa Iyengar.—

The last portion of the answer says that the whipping was executed in the presence of the Medical Officer. Is it not a fact that the Sub-Assistant Surgeon in charge was sent for when the whipping had been partly executed and one of the prisoners was bleeding?

Chief Secretary to Government.—

No.

Mr. Belur Srinivasa Iyengar.—

The flogging incident caused a lot of indignation in the public mind; a public meeting was held at Bangalore, and many a newspaper article also appeared to express disapproval of what had happened. Was all that not sufficient to induce the Government to go thoroughly into the whole case?

Chief Secretary to Government.—

A special enquiry was held by the District Magistrate and a report sent up to Government.

Mr. K. T. Bhashyam Iyengar.—

Had the prisoners committed any other offence under the Jail Manual or was this their first offence?

Chief Secretary to Government.—

No other offence has been reported to Government.

Mr. K. T. Bhashyam Iyengar.—

Was this their first offence?

Chief Secretary to Government.—

I cannot say that, but we know nothing to the contrary.

Mr. K. T. Bhashyam Iyengar.—

Can you say that this was not their first offence?

Chief Secretary to Government.—

I cannot say that.

Mr. K. T. Bhashyam Iyengar.—

Had any other punishments been meted out to them before the flogging?

Chief Secretary to Government.—

None that Government are aware of.

Mr. K. T. Bhashyam Iyengar.—

Are the Government in possession of any evidence on record, other than that of the convict warder and prisoner, Ramiah, to show that these prisoners had committed the offence at all?

Chief Secretary to Government.—

It is not possible for me to say what was the evidence on which the Superintendent acted. I want notice.

Mr. K. T. Bhashyam Iyengar.—

Are the Government aware that the very system of convict warders has been condemned everywhere?

Dewan.—

Notice.

Mr. K. T. Bhashyam Iyengar.—

Was any scope afforded to the prisoners to cross-examine prisoner Ramiah?

Dewan.—

Notice.

Mr. K. T. Bhashyam Iyengar.—

What is the procedure adopted by the Superintendent in such cases generally? Is it not usual to cross-examine the persons whose evidence go to harm a party?

Chief Secretary to Government.—

Notice.

Mr. G. Channappa.—

Will the Government be pleased to place the enquiry report on the table of this House?

Chief Secretary to Government.—

All available information has been furnished in the answer.

Mr. M. P. Somasekhara Rao.—

Was the maximum punishment of 30 cuts awarded to any of the prisoners?

Chief Secretary to Government.—

Yes; under the Jail Manual the punishment should be sufficiently severe to act as a deterrent.

GOVERNMENT BUSINESS.

I. Statement of General Principles of the Bill to Amend the Code of Criminal Procedure.

THE CHIEF SECRETARY TO GOVERNMENT explained the principles as follows:—

The Government of India have had under contemplation the question of empowering the police officers of Indian States to pursue and arrest criminals who have fled over the border into British India, on the understanding that a reciprocal arrangement will be made by the States concerned. At present, such arrests have to be effected through the British Indian Police and the chances are that the fugitives may escape through possible delay.

The Government of India have accordingly issued rules under the Extradition Act authorising such arrests in certain circumstances by the police officers of some Indian States including Mysore. It is now proposed to amend the Mysore Code of Criminal Procedure providing for the arrest of